PTO/SB/64 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED Docket Number (Optional) **UNINTENTIONALLY UNDER 37 CFR 1.137(b)** First named inventor: JOHN WILLIAM TOCKER. Application No.: 09/981,060 Filed: October 18,2001 Art Unit: Examiner: DEAEK S. BOLES Title: ULTIMATE VENT AUG 0 5 2004 Attention: Office of Petitions Mail Stop Petition OFFICE OF PETITIONS Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 308-6916 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. 1. Petition fee Small entity-fee \$ 665, 60 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. The PTO did not receive the following isted Items (s) A Chack Lot ISSUE Other than small entity - fee \$ _____(37 CFR 1.17(m)) 2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in (identify type of reply): the form of

[Page 1 of 2]

has been filed previously on

has been paid previously on

is enclosed herewith.

Is enclosed herewith.

B. The issue fee of \$ 665___.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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3.	Terminal disclaimer with disclaimer fee
	☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
	A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).
-	STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Frademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].
	WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
Te Nu	Signature Signature Apple 19-3381 Apple 19-3381 Apple 19-3381 Typed or printed name
Er	Holosures: Pee Payment Address CHILLIWACK B.C. CANADA Address
	Reply
	☐ Terminal Disclaimer Form
	Additional sheets containing statements establishing unintentional delay
	Other:
	CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]
	I hereby certify that this correspondence is being:
	deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
	transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916. July 22, 2004 Date Signature
	John Wilhiam Joch FR Type or printed name of person signing certificate

JUL 3 0 2004 22

John Wm. Tocher

46456 Portage Avenue, Chillick, B.C. Canada. V2P 3G2

Ms. Charlema Grant Petitions Attorney Office of Petitions P.O. Box 1450 Alexandra, VA 22313-1450

June 30, 2004

Dear Ms. Grant;

RE: Application of John Wm. Tocher Application No. 09/981.080

Filed: October 18, 2001

Title of Invention: ULTIMATE VENT

As per our telephone conversation regarding your letter of March 12, 2004 and my response of April 30, 2004, I wish to acknowledge receipt of your forms PTO/SB/64(11-03) to be completed with petition fees and a statement for the delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

A Petition to revive under 37 CFR 1.137(a) was dismissed due to the application becoming abandoned for failure to timely submit a response to the September 12, 2002 non-final Office Action. The Office Action did set a 3 month shortened statutory period for reply and a one month extension of time pursuant to 37 CFR S1.136(a) was obtained. A response was sent to the Office Action on January 8, 2003 and January 12, 2003 by UPS but delivery was refused.

On August 12, 2003 a response was mailed to The Commissioner for Patents at the United States Patent and Trade Mark Office in reply to his letter of July 16, 2003 on the decision on the petition under 37 CFR 1.137(a) was dismissed due to the application becoming abandon for failure to timely submit a response. (Copy attached)

Corrective action is taken to ensure the dispatch of this correspondence is in accordance with the certificate of mailing or transmission 37 CFR 1.8(a).

Respectfully,

John Wm. Tocher,





Page 1

John William Tocher 18072 Beneta way Tustin, CA. 92780

Commerisoner For Patents United States Patent and Trade Mark Office P.O. Box 1450, Alexandria, VA 22313-1450

aug 12; 2003

In re: Application of
John William Tocher
Application No. 09/981,060
Filed: October 18, 2001
Title of the Invention:Ultimate Vent

I have reviewed your letter of July 16th,2003 on the decision on the petition under 37CFR 1.137(a) was dismissed due to the application becoming abandoned for failure to timely submit a response to the September 12,2002 non-final office Action. The Office Action did set a 3month shortened statutory period for reply. A one month extension of time pursuant to 37CFR S1.136(a) was obtained. However a response was sent to the Office Action but was not received. Accordingly, the application became abandoned on January 29,2003 A notice of Abandonment was mailed on May6,2003 and it was received.

It was also noted That the Petitioner had not provided sufficient evidence to establish unavoidable delay and that why the envelope was refused nor evidence of refusal.

As per your recommendation for renewed petition, that the Petitioner should supply any evidence which may assist in establishing unavoidable delay. Also, the Petitioner should supply any documentation from UPS which establishes the envelop was refused and the Petitioner should provide a statement as to how and what Larry Schwartz "straightened out".

On January 6, 2003 an envelope containing the response to the Office Action was sent to the U.S. Patent and Trade Mark Office by UPS but was refused. Attached is item (a)UPS tracking record of parcel # w750 215 405 9 that is explanatory as to Dates of delivery, two places were it was accepted and signed for and final date it was accepted, the UPS delivery document showing the correct date and address that we've always corresponded with.

On January 23, 2003 I spoke to Mr. Larry Schwartz, SPE of 3700 who "straightened it out". Attached is item (b) relate to Mr. Larry Swartz Action in this matter.

The petitioner acknowledges the providing of a receipt (receipts) for UPS service and the application fees of \$55.00 & \$26.70 to date.

Delay in resubmitting this document is due to difficulty in obtaining tracking records from UPS and Mr Larry Swartz was absent.

Re: mailing address, due to September 11, we thought it was better to use my uncle's address in California because of problems with the mail; we're in closing the change of address.

Respectfully yours

John Tocher







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Tracking

- Track by Tracking Number
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- Cast Inbound/Outnour d rates 🛕
- 🗲 мака а сяперяства. 🛢
- **→**3636



& cathy belanger | Logorii

Address MY UPS

Track by Tracking Number

View Details

To view Proof of Delivery, please select the link.

Delivered Proof of Delivery

Delivered on: Signed by: Location: Delivered to:

22 Jan 2003 9:20 RATSCHACK

RECEIVER ARLINGTON, VA. US

Tracking Number: W750 2154 059

Service Type:

WORLDWIDE SERVICES

♠ Information and services provided to My UPS users.

Have problems or questions about your package? If you have questions about one of your packages, you can find more information with this special UPS serv 🔿 Request Mele Information 🚊

Package Progress:

Date	Time	Location	Activity
23 Jan 2003	19:69	LOUISVILLE, KY, U\$	TRANSFER NOTIFICATION FOR FOR DELIV; EXCEPTION RESOL NOTIFICATION-CLOSED; UPS INTERNAL ACTIVITY CODE
22 Jan 2003	9:20	ALEXANDRIA, VA, US	DELIVERY
31 Jan 2003	13:51	LANDOVER, DC, US	COMPANY OR PERSON UNKNO NOT DELIVERED; ADDRESS CORRECTED, DELIVERY RESCHEDULED
2 0 Jan 2003	13:13	LÓUI S VILLE, KY, US	RECEIVER DID NOT WANT, RE DELIVERY; EXCEPTION RESOLUTION-OPEN
17 Jen 2003	19:53	LANDOVER, DC, US	CONSIGNEE NOT ACCEPTING DELIVERY; UNDELIVERABLE IN PACKAGE, ISRG CALLED
16 Jan 2002	9:48	LANDOVER, DC, US	RECEIVER DID NOT WANT, REDELIVERY
15 Jan 2003	9:44	LANDÓVER, DC, US	DELIVERY
14 Jan 2003	14:17	ALEXANDRÍA, VA, US	CORRECT STREET # NEEDED, DELIVERED, ADDRESS CORREC DELIVERY RESCHEDULED
9 Jan 2003	10:25	ALEXANDRIA, VA, US	RECEIVER DID NOT WANT, REDELIVERY
7 Jan 2003	20:29	LANDOVER, DC. US	INCOMPLETE ADDRESS, NOT DELIVERED; ADDRESS CORREC DELIVERY RESCHEDULED
	9:33	LANDOVER, DC, US	SUITE NUMBER NEEDED, NOT DELIVERED

Tracking results provided by UPS: 8 Aug 2003 11:14 Eastern Time

NOTICE: UPS authorizes you to use UPS tracking systems solely to track shipments tendered by or for you to delivery and for no other purpose. Any other use of UPS tracking systems and information is strictly prohibited

♦8ad to Tracking Summary

🛊 Baris la Tep

Item A

JUL 3 0 2004 UPS Canada Ltd. 1 Factory Lane, Suite 2007 PANEMAN Moncton, NB

E1C 9M3

Phone: 1-800-PICK-UPS

1-800-742-5877

1-800-294-4555 :xs3







www.ups.ca

To:	John	<u> </u>		From:	Cat	hy
Company:		· Terriya apin dalak		Rep# / Grp#:	39	
Fax:	403	219	3354	Pages:	2	(Includes Cover Pa
Phone:				CC:	·	
RE:						
Comments:	the defa	re .i.	the	tracki	ng A	tetoil you

Now you can earn AIR MILES reward miles when you ship UPS Call 1-800-PICK-UPS for details





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United Parcel Service P

Shipper 500X96
Page 1 of 2

ATTN: JOHN TOKER **PHONE**: (403)219-3381

DELIVERY NOTIFICATION

FAX RESPONSE

INQUIRY FROM:

JOHN TOKER
JOHN TOKER

JUL 3 0 2004

SUITE 412 300 8120 BEDDINGTON

CALGARY AB T3K-2A8

SHIPMENT TO:

PATTON OFFICE

2900 CRYSTAL DR STE 3B30

ARLINGTON VA 22202

Shipper Number......500X96

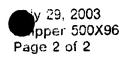
Tracking Identification Number...W7502154059

According to our records 1 parcel was delivered on 01/22/03 at 9:20 A.M., and left at 3B303B30. The shipment was signed for by RATSCHACK as follows:

SHIPPER NUMBER	PKG FD NO.	TRACKING NUMBER	ADURES: (NO/STREET, DITY)	S-GNATURE	
500X96	ξ.	W/2592154059	2900 CR INTAL OR STE 9850 ARLINGTO I	garage Rests have t	,







ATTN: JOHN TOKER PHONE: (403)219-3381

DELIVERY NOTIFICATION

FAX RESPONSE

INQUIRY FROM:

JOHN TOKER
JOHN TOKER

SUITE 412 300 8120 BEDDINGTON

CALGARY AB T3K-2A8

SHIPMENT TO:

PATTON OFFICE

500 E ST SW

WASHINGTON DC 20024

Shipper Number......500X96

Tracking :dentification Number... W7502154059

According to our records 1 parcel was delivered on 01/15/03 at 9:44 A.M., and left at RECEPTION. The shipment was signed for by WOLFE as follows:

SHIPPER NUMBER	PKG ID NO.	TRACKING PSEMUK	ADDRESS ING/STREET,CHY/	SIGNATURE	
503X 96	-	y/7502154059	500 E ST SW SOT BANKS TO	Calo ert. Wolfe	

68.14.03 JUL 3 0 2004 TRADEMA

Item B

Larry I. Schwartz

United States Patent & Trademark Office Customer Service Center, Technology Center 3700

703/306-5648

Date:

8/14/03

Total # of pages including cover sheet: 3

To:

John Tocher

Recipient Fax:

403-219-3354

From:

Larry I. Schwartz

Administrator

Customer Service Center

Sender Fax:

703-872-9301

Memo:

Attached is a copy of the database screens for SN 09/981,060 showing that we spoke on 1/23/03 and that you had reported that the Office would not accept delivery of your papers.

Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax

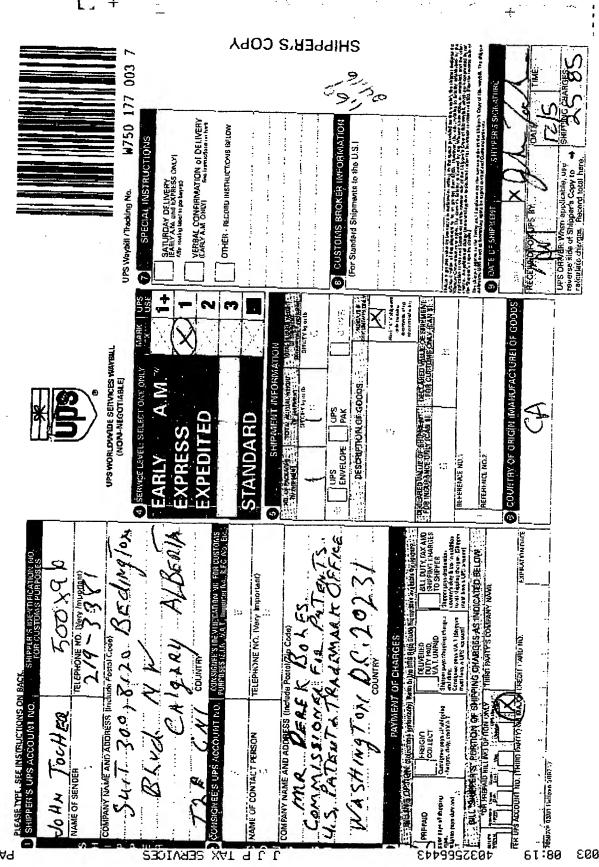
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